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HOUSE BILL 1648

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives B. Sullivan, Kretz, Grant, Linville and Strow

Read first time 01/24/2007. Referred to Committee on Agriculture & Natural Resources.

1            AN ACT Relating to agricultural operations, activities, and  
2 practices; amending RCW 7.48.310; reenacting and amending RCW 7.48.305;  
3 and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** The legislature finds that agricultural  
6 operations are often subjected to nuisance lawsuits. The legislature  
7 also finds that such lawsuits hasten premature conversion of  
8 agricultural lands to other uses. The legislature further finds that  
9 farm operations must be able to adopt new technologies and diversify  
10 into new crops and products if the agricultural industry is to survive  
11 and agricultural lands are to be conserved. Therefore, the legislature  
12 intends to enhance the protection of agricultural operations and  
13 activities from nuisance lawsuits, and to further the clear legislative  
14 directive of the state growth management act to maintain and enhance  
15 the agricultural industry and conserve productive agricultural lands.

16            **Sec. 2.** RCW 7.48.305 and 1992 c 151 s 1 and 1992 c 52 s 3 are each  
17 reenacted and amended to read as follows:

18            Notwithstanding any other provision of this chapter, agricultural

1 ((~~activities conducted on farmland~~)) and forest ((~~practices~~))  
2 operations, if consistent with good agricultural and forest practices  
3 and established prior to surrounding nonagricultural and nonforestry  
4 activities, are presumed to be reasonable and shall not be found to  
5 constitute a nuisance unless the operation, or related activity or  
6 practice, has a substantial adverse effect on the public health and  
7 safety.

8 If those agricultural and forest operations and related  
9 agricultural and forest activities and ((~~forest~~)) practices are  
10 undertaken in conformity with all applicable laws and rules, the  
11 activities are presumed to be good agricultural and forest practices  
12 not adversely affecting the public health and safety for purposes of  
13 this section and RCW 7.48.300. An agricultural activity that is in  
14 conformity with such laws and rules shall not be restricted as to the  
15 hours of the day or day or days of the week during which it may be  
16 conducted.

17 Nothing in this section shall affect or impair any right to sue for  
18 damages.

19 **Sec. 3.** RCW 7.48.310 and 1992 c 52 s 4 are each amended to read as  
20 follows:

21 As used in RCW 7.48.305:

22 (1) "Agricultural activity" means a condition or activity which  
23 occurs on a farm in connection with the commercial production of farm  
24 products and includes, but is not limited to, marketed produce at  
25 roadside stands or farm markets; noise; odors; dust; fumes; operation  
26 of machinery and irrigation pumps; movement, including, but not limited  
27 to, use of current county road ditches, streams, rivers, canals, and  
28 drains, and use of water for agricultural activities; ground and aerial  
29 movement, storage, and application of seed, fertilizers, conditioners,  
30 plant pollination, and plant protection products; employment and use of  
31 labor; roadway movement of equipment and livestock; protection from  
32 damage by wildlife; prevention of trespass; construction and  
33 maintenance of buildings, fences, roads, bridges, ponds, drains,  
34 waterways, and similar features and maintenance of streambanks and  
35 watercourses; and conversion from one agricultural activity to another.

36 (2) "Farm" means the land, buildings, freshwater ponds, freshwater

1 culturing and growing facilities, and machinery used in the commercial  
2 production of farm products.

3 (3) "Farmland" means land or freshwater ponds devoted primarily to  
4 the production, for commercial purposes, of livestock, freshwater  
5 aquacultural, or other agricultural commodities.

6 (4) "Farm product" means those plants and animals useful to humans  
7 and includes, but is not limited to, forages and sod crops, dairy and  
8 dairy products, poultry and poultry products, livestock, including  
9 breeding, grazing, and recreational equine use, fruits, vegetables,  
10 flowers, seeds, grasses, trees, freshwater fish and fish products,  
11 apiaries, equine and other similar products, or any other product which  
12 incorporates the use of food, feed, fiber, or fur.

13 (5) "Forest practice" means "forest practice" as defined in RCW  
14 76.09.020.

15 (6) "Operation" means the production of farm or forest products.

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